

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF WEST VIRGINIA
ELKINS**

**FRIEDRICHSHARRIS, Administrator of the
Estate of Evan M. Harris, deceased,**

Plaintiff,

v.

**Civil Action No. 2:16-CV-46
(BAILEY)**

**Q&A ASSOCIATES, INC.,
ANGELA SHOCKLEY, Individually,
KEITH BISHOP, Individually,
MATTHEW SHOCKLEY, Individually,
SANDY SCHMIEDKNECHT, Individually,
and TAMMY ROBBINS, Individually,**

Defendants.

ORDER SETTING EVIDENTIARY HEARING

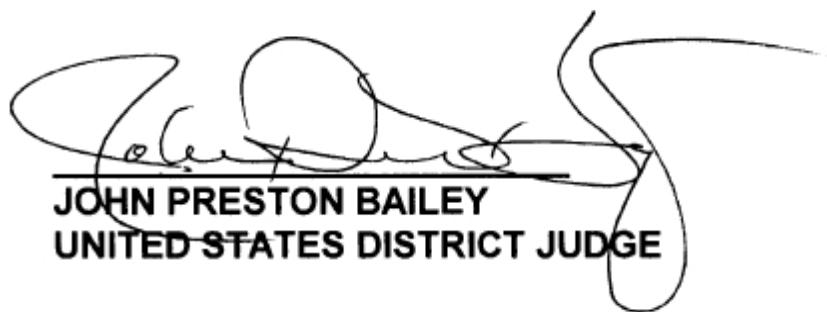
Comes now before this Court for consideration of defendants' Motion to Compel Arbitration and Stay Proceedings [Doc. 19], filed on November 4, 2016, and Motion for Protective Order Staying Discovery and Proceedings [Doc. 20], filed on November 11, 2016.

In reviewing the parties' briefs related to these Motions, this Court finds that there is a factual issue as to Evan M. Harris's mental capacity at the time that he inscribed the arbitration agreement at issue herein. Accordingly, this Court finds it necessary to hold an evidentiary hearing on this matter on **Wednesday, January 4, 2017, at 10:00 a.m., in Wheeling, WV.** At that time, the parties should be prepared to present any witnesses, exhibits, or other evidence related to Evan M. Harris's capacity to contract.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

It is so **ORDERED**.

DATED: December 1, 2016.



The image shows a handwritten signature in black ink, which appears to read "John Preston Bailey". Below the signature, the name is printed in a bold, sans-serif font: "JOHN PRESTON BAILEY" on the first line and "UNITED STATES DISTRICT JUDGE" on the second line.

JOHN PRESTON BAILEY
UNITED STATES DISTRICT JUDGE